

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

811B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 8, 2014

SUBJECT: Order to Abate [Substandard Structures & Accumulated Rubbish]
Case No.: CV13-00089 [FERNANDEZI]
Subject Property: 20851 6th Street, Lakeview; APN: 426-210-019
District: 5/5 [\$0.00]

RECOMMENDED MOTION: That the Board of Supervisors:

1. The Findings of Fact, Conclusions and Order to Abate in Case No. CV13-00089 be approved;
2. The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and order to Abate in Case No. CV13-00089; and
3. The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV13-00089.

BACKGROUND:

Summary

On September 9, 2014, this Board received the declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the substandard structures (garage, shed, pool) and accumulated rubbish on the subject property to be a public nuisance. The Board

(Continued)

GREGORY P. PRIAMOS
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:	Budget Adjustment:
	For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:

Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 09/09/14; 9.8 | District: 5/5 | Agenda Number:

2-10

Departmental Concurrence

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FORM 11: Order to Abate [Substandard Structures & Accumulated Rubbish]

Case No.: CV13-00089 [FERNANDEZI]

Subject Property: 20851 6TH Street, Lakeview; APN: 426-210-019

District: 5/5 [\$0.00]

DATE: October 8, 2014

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

ordered the property owner to abate the violative conditions on the property and directed County Counsel to prepare Findings of Fact, Conclusions and Order to Abate.

Impact on Citizens and Businesses

When property owners abate nuisances on their property, the surrounding neighborhood's safety, attractiveness and land values are potentially increased.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS

Findings of Fact

1 RECORDING REQUESTED BY:
2 Kecia Harper-Ihem, Clerk of the
3 Board of Supervisors
4 (Stop #1010)

5 WHEN RECORDED PLEASE MAIL TO:
6 Michelle Cervantes, Senior Code Enforcement Officer
7 Regina Keyes, Senior Code Enforcement Officer
8 CODE ENFORCEMENT DEPARTMENT
9 4080 Lemon Street, Twelfth Floor (Stop #1012)
10 Riverside, CA 92501

[EXEMPT GC §§ 6103 and 27383]

11 **BOARD OF SUPERVISORS**
12 **COUNTY OF RIVERSIDE**

13 IN RE ABATEMENT OF PUBLIC NUISANCE:) CASE NO. CV 13-00089
14 [SUBSTANDARD STRUCTURES AND)
15 ACCUMULATION OF RUBBISH];) FINDINGS OF FACT,
16 APN 426-210-019, 20851 6th STREET,) CONCLUSIONS AND ORDER TO
17 LAKEVIEW, RIVERSIDE COUNTY,) ABATE NUISANCE
18 CALIFORNIA; AUGUSTIN M. FERNANDEZ,)
19 OWNER.) R.C.O. Nos. 457, 541, and 725

20 The above-captioned matter came on regularly for hearing on September 9, 2014, before the
21 Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor
22 Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real
23 property described as 20851 6th Street, Lakeview, Riverside County, California, Assessor's Parcel
24 Number 426-210-019 and referred to hereinafter as "THE PROPERTY."

25 L. Alexandra Fong, Deputy County Counsel, appeared along with Michelle Cervantes, Senior
26 Code Enforcement Officer, on behalf of the Director of the Code Enforcement Department.

27 Owner did not appear.

28 The Board of Supervisors received the Declaration of the Code Enforcement Officer together
with attached Exhibits, evidencing the substandard structures and accumulation of rubbish on THE
PROPERTY as violations of Riverside County Ordinance ("RCO") Nos. 457 and 541, and as a
public nuisance.

SUMMARY OF EVIDENCE

1
2 1. Documents of record in the Riverside County Recorder’s Office identify the owner
3 of THE PROPERTY as Augustin M. Fernandez (“OWNER”).

4 2. Documents of title indicate that other parties may potentially hold a legal interest in
5 THE PROPERTY, to wit: Frank Yorita, DDS, Inc., Employees Profit Sharing Trust dated March 1,
6 1997, and Eastern Municipal Water District (hereinafter collectively referred to as “INTERESTED
7 PARTIES”).

8 3. THE PROPERTY was inspected by Code Enforcement Officers on August 26, 2013,
9 September 6, 2013, October 9, 2013, February 26, 2014 and May 20, 2014.

10 4. During each inspection, three (3) substandard structures (garage, shed, and pool) were
11 observed on THE PROPERTY. The structures were observed to be abandoned, dilapidated and
12 vacant. The structures contained numerous deficiencies, including but not limited to: members of
13 walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or
14 deterioration; members of ceilings, roofs, ceiling and roof supports or other horizontal members
15 which sag, split, or buckle due to defective material or deterioration; hazardous wiring; hazardous
16 plumbing; dampness of habitable rooms; faulty weather protection; general dilapidation or improper
17 maintenance; public and attractive nuisance – abandoned/vacant; unpermitted barn conversion.

18 5. During each inspection, an accumulation of rubbish was observed throughout THE
19 PROPERTY consisting of but not limited to: green waste, appliances, trash bags, paint containers, 50
20 gallon drums, spent building materials, 4 tires, and miscellaneous items in excess of 10,000 square
21 feet.

22 6. THE PROPERTY was determined to be in violation of RCO Nos. 457 and 541 by the
23 Code Enforcement Officer.

24 7. A Notice of Pendency of Administrative Proceedings was recorded on January 6,
25 2014, as Document Number 2014-0004986 in the Office of the County Recorder, County of
26 Riverside.

27 8. On August 26, 2013, a Notice of Violation and Notice of Defects were posted on THE
28 PROPERTY.

1 9. On September 6, 2013, September 30, 2013, and October 9, 2013, Notices of
2 Violation and Notices of Defects were mailed to OWNER and INTERESTED PARTIES by certified
3 mail, return receipt requested. On April 17, 2014, Notice of Violation and Notice of Defects was
4 mailed to INTERESTED PARTIES by certified mail, return receipt requested.

5 10. A "Notice to Correct County Ordinance Violations and Abate Public Nuisance"
6 providing notice of the public hearing before the Board of Supervisors, was mailed to OWNER and
7 INTERESTED PARTIES and was posted on THE PROPERTY.

8 FINDINGS AND CONCLUSIONS

9 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in
10 regular session assembled on September 9, 2014, finds and concludes that:

11 1. WHEREAS, the three (3) substandard structures (garage, shed, pool) and
12 accumulation of rubbish on the real property located at 20851 6th Street, Lakeview, Riverside
13 County, California, also identified as Assessor's Parcel Number 426-210-019 violates RCO Nos. 457
14 and 541 and constitutes a public nuisance.

15 2. WHEREAS, the OWNER, occupants and any person having possession or control of
16 THE PROPERTY shall abate the substandard structures conditions by razing, removing and
17 disposing of the substandard structures, including the removal and disposal of all structural debris
18 and materials, and contents therein or by reconstruction and rehabilitation of said structures provided
19 that said reconstruction or demolition can be accomplished in strict accordance with all Riverside
20 County Ordinances, including but not limited to RCO No. 457 within ninety (90) days.

21 3. WHEREAS, the OWNER, occupants and any other person having possession or
22 control of THE PROPERTY shall abate the accumulation of rubbish by removing and disposing of
23 all rubbish on THE PROPERTY in strict accordance with all Riverside County Ordinances,
24 including but not limited to RCO No. 541 within ninety (90) days.

25 4. WHEREAS, the OWNER AND INTERESTED PARTIES ARE HEREBY
26 FURTHER NOTICED that the time within which judicial review of the administrative
27 determinations made herein must be sought is ninety (90) days from the posting and mailing of the
28 Findings of Fact, Conclusions and Order To Abate Nuisance, and is governed by California Code of

1 Civil Procedure Section 1094.6.

2 **ORDER TO ABATE NUISANCE**

3 IT IS THEREFORE ORDERED that the three (3) substandard structures (garage, shed, pool)
4 on THE PROPERTY be abated by the OWNER, Augustin M. Fernandez, or anyone having
5 possession or control of THE PROPERTY, by razing and removing the substandard structures
6 including the removal and disposal of all structural debris and materials, as well as the contents
7 therein, or by reconstruction and rehabilitation of said structures provided such reconstruction and
8 rehabilitation can be accomplished in strict accordance with all Riverside County Ordinances,
9 including but not limited to RCO No. 457 within ninety (90) days of the posting and mailing of this
10 Order to Abate Nuisance.

11 IT IS FURTHER ORDERED that if the substandard structures are not razed, removed and
12 disposed of, or reconstructed and rehabilitated in strict accordance with all Riverside County
13 Ordinances, including but not limited to RCO No. 457, within ninety (90) days of the posting and
14 mailing of this Order to Abate Nuisance, the substandard structures, contents therein, and structural
15 debris and materials, may be abated by representatives of the Riverside County Code Enforcement
16 Department, a contractor, or the Sheriff's Department upon receipt of the owner's consent or a Court
17 Order, where necessary, under applicable law authorizing entry onto THE PROPERTY.

18 FURTHERMORE, the OWNER is ordered to ascertain the existence or non-existence of
19 asbestos containing materials in said structures by survey and materials sample testing by a duly
20 licensed and certified asbestos consultant; and, prior to the abatement ordered hereinabove, to secure
21 the removal of all asbestos containing materials discovered through such survey and testing by
22 contract with a duly certified and licensed contractor for the handling of such materials to avoid
23 citations and/or fines by South Coast Air Quality Management District (SCAQMD).

24 IT IS FURTHER ORDERED that the accumulation of rubbish on THE PROPERTY be
25 abated by the OWNER or anyone having possession or control of THE PROPERTY, by removing
26 and disposing of all rubbish from THE PROPERTY in strict accordance with all Riverside County
27 Ordinances, including but not limited to RCO No. 541 within ninety (90) days of the date of this
28 Order to Abate Nuisance.

1 IT IS FURTHER ORDERED that if the accumulation of rubbish is not removed and disposed
2 of in strict accordance with all Riverside County Ordinances, including but not limited to RCO No.
3 541 within ninety (90) days of the date of this Order to Abate Nuisance, the accumulation of rubbish
4 may be abated by representatives of the Riverside County Code Enforcement Department, a
5 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when
6 necessary under applicable law.

7 IT IS FURTHER ORDERED that reasonable abatement costs, after notice and opportunity
8 for hearing, shall be imposed as a lien on THE PROPERTY, which may be collected as a special
9 assessment against THE PROPERTY pursuant to Government Code section 25845 and RCO Nos.
10 457, 541, and 725. Under RCO No. 725, "abatement costs" means "any costs or expenses including
11 County staff time reasonably related to the abatement of conditions which violate Land Use
12 Ordinances, and shall include, but not be limited to, enforcement, investigation, summaries, reports,
13 notices, telephonic contact, correspondence, mailing expense, title search costs, administrative costs,
14 including scheduling and participation at hearings, Hearing Officer costs, expenses incurred by the
15 County, court costs, civil or administrative penalties, collection, attorneys' fees, and other costs
16 associated with the removal, abatement or correction of a violation." Reasonable abatement costs

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1 accrued by the County will be recoverable from the property owner(s) even if THE PROPERTY is
2 brought into compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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4 Dated: _____

COUNTY OF RIVERSIDE

5
6 By _____
7 Jeff Stone
8 Chairman, Board of Supervisors

9 ATTEST:

10 KECIA HARPER-IHEM

11 Clerk to the Board

12 By

13 Deputy

14 (SEAL)

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17
18 FORM APPROVED COUNTY COUNSEL
19 BY: Alexandra Fong 07/14
20 L/ALEXANDRA FONG DATE